

ARIZONA FORFEITURE STATUTORY SCHEME

This outline is intended to provide generalized framework of the various Arizona forfeiture statutes. While effort has been made to ensure completeness and accuracy, you should always conduct your own independent research.

TABLE OF CONTENTS

Topic	Page
1. Statutory Authority for Forfeitures	3
Drugs	3
Racketeering offenses	3
Control of an illegal enterprise	4
Miscellaneous	4
Exemptions	5
2. Seizure of Property	5
Warrantless Seizure	5
Seizure with court process/ seizure warrant	6
Methods of Seizure	6
Real property seizure	6
Substitute assets	6
Control of seized property	6
3. Initiation of Proceedings	7
Notice of Seizure for Forfeiture	7
Determinations by attorney for state	7
Notice of Pending Forfeiture (NOPF)	7
4. Theories of Forfeiture	7
Jurisdiction and venue	7,8
In rem jurisdiction	8
Uncontested forfeitures	8
Judicial forfeitures	8
Judicial in rem forfeitures	9
Claims	9
Complaint	9
Answer	10
Hearing	10
Judicial in rem racketeering forfeitures	11
In personam jurisdiction	11
In personam judicial forfeitures	11
Supplemental Remedies / Substitute Assets	14
Enterprise Jurisdiction	14

5. Racketeering Lien	15
6. Discovery	16
7. Motion Work	16
8. Hearings	16
Burdens	16
Evidence	17
9. Injured Persons	17
10. Disposition	18
11. Judicial Allocation of Forfeited Property Upon Judgment of Forfeiture	19
12. Attorney's Fees & Costs	20
13. Anti-Racketeering Revolving Funds	20
14. Appeal	22
15. Definitions	22

ARIZONA FORFEITURE STATUTORY SCHEME

1) Statutory Authority for Forfeitures

a) A conviction of a person for any offense shall not work a forfeiture of any property except if forfeiture is expressly imposed by law. 13-904(D)

i) All forfeitures to the state, unless expressly imposed by law, are abolished. 13-904(D)

b) Statutory authority

i) Drugs

(1) The following items used or intended to be used in violation of Title 13, Chapter 34 (drug offenses): 13-3413(A)

(a) Property, equipment, containers, chemicals, materials, money, books, records, research products, formulas, microfilm, tapes and data.

(b) Vapor-releasing substances containing a toxic substance

(c) Vehicles to transport, or in any manner facilitate the transportation, sale or receipt of, or in which is contained or possessed, any item or drug.

(i) 13-4304 exempts certain "innocent" vehicles.

1. common carrier vehicles 13-4304(1)

2. Bad guy had unlawful possession of vehicle 13-4304(1)

(ii) Other exemptions under 13-3413(A)

1. Amount of drugs is under the threshold **and** the conduct was not committed for financial gain. 13-4301(3)(a-b)

2. certain "innocent" owners and interest holders, who are not spouses, and didn't know or have reason to know of forfeiture conduct. 13-4301(4)

(2) Proceeds traceable to Title 13, Chapter 34 drug offense committed for financial gain. 13-3413(B)(1).

(3) Proceeds seized in Arizona and traceable to an offense that: 13-3413(B)(2)

(a) Is chargeable or indictable under the laws of the state in which offense occurred and; 13-3413(B)(2)(a)

(i) If offense occurred in another state, it would be chargeable or indictable under ARS Title 13, Chapter 34 if offense occurred in AZ.

(b) Is punishable by imprisonment of more than one year. 13-3413(B)(2)(b)

(c) Involves prohibited drugs, marijuana or other prohibited chemicals or substances. 13-3413(B)(2)(c)

(d) Is committed for financial gain. 13-3413(B)(2)(d)

ii) **Racketeering offenses** (13-2301(D)(4) can be basis for forfeiture under 13-2314.

(1) Available racketeering offenses

(a) Terrorism, animal terrorism or ecological terrorism. 13-2301(D)(4)(a)

(b) Any of the following acts if committed for **financial gain**: 13-2301(D)(4)(b)

(i) Homicide

(ii) Robbery

(iii) Kidnapping

(iv) Forgery

(v) Theft

(vi) Bribery

(vii) Gambling

(viii) Usury

- (ix) Extortion
- (x) Extortionate extensions of credit
- (xi) **Prohibited drugs, marijuana or other prohibited chemicals or substances**
- (xii) Trafficking in explosives, weapons or stolen property
- (xiii) Participating in a criminal syndicate
- (xiv) Obstructing or hindering criminal investigations or prosecutions
- (xv) Asserting false claims, including but not limited to, false claims asserted through fraud or arson
- (xvi) Intentional or reckless false statements or publications concerning land for sale or lease or sale of subdivided lands or sale and mortgaging of unsubdivided lands
- (xvii) Resale of realty with intent to defraud
- (xviii) Intentional or reckless fraud in the purchase or sale of securities
- (xix) Intentional or reckless sale of unregistered securities or real property securities
- (xx) A scheme or artifice to defraud
- (xxi) Obscenity
- (xxii) Sexual exploitation of a minor
- (xxiii) Prostitution
- (xxiv) Restraint of trade or commerce in violation of section 34-252
- (xxv) Terrorism
- (xxvi) **Money laundering**
 - 1. note: in addition to 13-2317, money laundering statutes can also be found in banking statutes at 6-1241.
- (xxvii) Obscene or indecent telephone communications to minors for commercial purposes
- (xxviii) Counterfeiting marks as proscribed in section 44-1453
- (xxix) animal terrorism or ecological terrorism
- (xxx) **smuggling of human beings**
- iii) **Control of an illegal enterprise** is a basis for forfeiture under 13-2314.
- iv) **Miscellaneous statutes** - many allow for forfeiture upon criminal conviction.
 - (1) Alcohol (stills) 4-221(A)(B)
 - (2) DUI (watercraft) 5-396.01
 - (3) Watercraft (missing/altered HIN or decal) 5-396.01
 - (4) Motor vehicle (missing/altered VIN) 28-4594, 28-2092
 - (5) DUI 28-1384
 - (a) Note: Requires conviction first. No authority for preconviction seizure of vehicle. Proceeds of sale go to state.
 - (6) Motor vehicle chop shops 13-4703
 - (7) Copyright violations 13-3705(F)
 - (8) Sexual exploitation of children (equipment-photographic, computer, etc.) 13-3557
 - (9) Imitation drugs 13-3460
 - (10) Drug paraphernalia 13-3415(D)
 - (11) Drug evidence 13-3413 (C-E)

- (12) Gambling 13-3310
- (13) Minors possessing or carrying firearms 13-3111
- (14) Weapons and explosives 13-3105
- (15) Interception devices 13-3008
- (16) Interference w/ peaceful conduct of any educational institution.
13-2911(D)
- (17) Computer tampering 13-2316(C)
- (18) Drive by shootings 13-1209

c) Exemptions from forfeiture

i) Exemptions from forfeiture

- (1) Common carriers (taxis, shuttles, etc.) unless owner consented to or had reason to know of forfeiture conduct. 13-4304(1)
- (2) Stolen vehicles 13-4304(2)
- (3) Personal Use drug exception 13-4304(3)
 - (a) Amount of drugs is under threshold amount **AND**
 - (b) Act not committed for financial gain
- (4) Innocent owner must establish **all** of the following: 13-4301(4)
 - (a) Acquired interest in property prior to forfeiture conduct
 - (b) Did not give legal or equitable interest to bad guy or was married to bad guy
 - (c) Didn't know or could not reasonably have known of forfeiture conduct.
- (5) Innocent subsequent owner must establish **all** of the following: 13-4304 (5)
 - (a) Acquired property after forfeiture conduct
 - (b) Is a BFP not knowingly taking part in illegal transaction
 - (c) Reasonably without notice of forfeiture conduct or that property was subject to forfeiture.
- (6) Forfeiture may be commenced within seven years after actual discovery of last act giving rise to forfeiture 13-4308(B)

2) Seizure of Property

a) Warrantless seizure 13-4305(A)(3)

- i) Property seized incident to an arrest or search 13-4305(A)(3)(a)**
- ii) Property subject of a prior state or federal forfeiture judgment 13-4305(A)(3)(b)**
- iii) Peace officer has probable cause to believe the property is subject to forfeiture.**
13-4305(A)(3)(c)
- iv) "Seizure for forfeiture" defined as seizure plus assertion that property is subject to forfeiture. 13-4301(9)**
- v) Probable Cause hearings on seizures with a prior judicial determination of probable cause. 13-4310(B)**
 - (1) Owner or interest hold must request within 15 days of Notice of Seizure or actual knowledge of seizure which ever is earlier.**
 - (a) request must comply with claim requirements of 13-4311 (E&F)**
 - (b) Court may issue an order to show cause**
 - (i) sole issue is whether probable cause for seizure exists**
 - (ii) Notice must be served on State at least five working days prior to hearing.**
 - (iii) Before any evidence taken, owner or interest holder has burden of establishing his interest by a preponderance of evidence. 13-4310(D)**
 - (c) If court finds no probable cause or State does not contest**

- (i) Property shall be released
 - 1. pending outcome of judicial proceeding
 - (d) If court finds probable cause for seizure
 - (i) property shall not be released unless a bond is posted pursuant to 13-4306(G).
- b) Seizure with court process 13-4305(A)(1)
 - i) Issued pursuant to rules of civil procedure 13-4305(A)(1)
 - ii) **Seizure warrant** 13-4305(A)(1), 13-4310(A), 13-4312(C) (in personam)
 - iii) Seizing property seized pursuant to a search warrant 13-4305(A)(2),
- c) Methods of seizure
 - i) Constructive seizure 13-4305(B)
 - (1) Posting notice of seizure on the property
 - (2) Filing notice of seizure in appropriate public record MVD (vehicles), County Recorder (real property), etc.
- d) Real Property seizure
 - i) Judicial finding of probable cause (seizure warrant) 13-4305(C)
 - (1) determination may be made ex parte upon proper showing
 - ii) can be seized by constructive seizure, filing of a racketeering lien or lis pendens
- e) Substitute assets 13-4305(D), 13-4314(A), 13-2314(D,E,G)
 - i) Requires judicial finding of probable cause for seizure pursuant 13-2314(D,E,G), 13-4313(A)
 - (1) Court must determine
 - (a) probable cause that property is subject to forfeiture
 - (b) property is not available as per 13-4313(A) because
 - (i) It can't be located
 - (ii) transferred, conveyed, sold or deposited with third party
 - (iii) beyond jurisdiction of court
 - (iv) property substantially diminished in value by act or omission of the defendant
 - (v) it has been commingled with other property and cannot easily be divided
 - (vi) it is subject to any interest that is exempt from forfeiture.
 - (2) May be made ex parte (with exceptions)
- f) Control of Seized Property
 - i) May be released if forfeiture or retention unnecessary 13-4306(A)
 - ii) Storage and control
 - (1) Remove to storage area 13-4306(B)(1)
 - (2) Deposit in an interest bearing account 13-4306(B)(1)
 - (3) Remove property to place designated by court 13-4306(B)(2)
 - (4) Provide for another custodian or agency to take custody 13-4306(B)(3)
 - iii) Conduct inventory and estimate value as soon as practicable. 13-4306(C)
 - iv) Possessory liens not affected by seizure 13-4306(E)
 - v) Owner may post bond or cash equal to FMV to obtain release of property 13-4306(G)
 - (1) unless:
 - (a) bond or cash is inadequate 13-4306(G)(1)
 - (b) property is contraband or evidence 13-4306(G)(2)
 - (c) property is particularly altered or designed for use in conduct giving rise to

forfeiture. 13-4306(G)(3)

(2) Bond or cash is forfeited in lieu of property 13-4306(H)

3) Initiation of Proceedings

a) Notice of Seizure for Forfeiture (NOS)

i) Provide notice of seizure to interested persons within 20 days of seizure. 13-4306(C)

ii) Send to attorney for state written request for forfeiture within 20 days (13-4306(F))
which must include:

(1) Statement of facts and circumstances of seizure

(2) Names of witnesses then known

(3) Appraised or estimated value

(4) Summary of facts relied upon for forfeiture.

b) Determinations by Attorney for State: 13-4308(A)

i) if it is probable that property is subject to forfeiture

(1) If attorney determines 13-4308(A)

(a) proceedings probably cannot be sustained or

(b) justice does not require institution of such proceedings

(c) then the attorney SHALL 13-4308(A)

(i) notify seizing agency

(ii) immediately authorize the release for the seizure for forfeiture on the
property.

ii) If the attorney deems it advisable to proceed attorney then initiates:

(1) uncontested proceedings pursuant to 13-4309

(2) or judicial proceedings pursuant to 13-4310, 13-4311 or 13-4312

c) Notice of Pending Forfeiture (NOPF)

i) Must be made within 60 days of after seizure for forfeiture 13-4308(B)

(1) Failure to timely make NOPF requires release of property upon request of owner
13-4308(B)

(a) release is "pending further proceedings" under Title 13, Chapter 39 13-4308(B)

(i) to be commenced within 7 years of actual discovery of last act giving rise to
forfeiture. 13-4308(B)

ii) How NOPF is provided 13-4307

(1) If owner's or interest holder's name and current address are known by either:

(a) Personal service 13-4307(1)(a)

(b) Mailing a copy of NOPF by certified mail 13-4304(1)(b)

(2) If owner's or interest holder's name and current address is required to be on record,
e.g. car title, real estate, etc.

(a) Certified mail to address on record. 13-4307(2)

(3) If owner's or interest holder's name and current address are NOT known:

(a) Publication in one issue of newspaper of general circulation in county in which
seizure occurs. 13-4307(3)

d) For real property, the State may:

i) File a lis pendens or NOPF with county recorder. 13-4308(C)

4) Theories of Forfeiture

a) Jurisdiction 13-4302

i) property is located in Arizona

ii) Court has in personam jurisdiction of an owner or interest holder.

- b) Venue 13-4303
 - i) County in which property seized
 - ii) County in which owner or interest holder could be complained against for forfeiture conduct
- c) **In Rem Jurisdiction**
 - i) **Uncontested Forfeiture** 13-4309
 - (1) Provide NOPF within 30 days of Seizure for Forfeiture 13-4309(1)
 - (2) Owner or interest holder can provide a claim or **petition for remission or mitigation** within 30 days 13-4309(2)
 - (a) Cannot file both
 - (i) must file before a complaint is filed.
 - (b) Claim or Petition must comply with claim requirements of 13-4311 (E and F)
 - (3) Claim
 - (a) If a claim is filed, proceed as if a judicial proceeding
 - (i) unless a petition for remission or mitigation is filed
 - 1. State has 60 days to file complaint 13-4309(5)
 - (4) Petition for remission or mitigation
 - (a) Attorney for state shall inquire into facts and circumstances 13-4309(3)a)
 - (i) Within 90 days, attorney for state shall
 - 1. Provide seizing agency and petitioner with written declaration of forfeiture, remission or mitigation 13-4309(3)(b)
 - a. Petitioner or state may request additional time no to exceed 120 Days. 13-4309(3)(b)
 - b. 30 days after declaration, owner or interest holder may file a claim.
 - i. If claim timely filed, State may elect to proceed by judicial forfeiture 13-4309(3)(d)
 - ii. If no claim is timely filed, declaration becomes final and state shall proceed with an application for order of forfeiture pursuant to 13-4314 and 13-4315. (13-4310(4))
 - ii) **Judicial forfeitures**
 - (1) Available court orders. 13-4310(A)
 - (a) restraining orders
 - (b) injunctions
 - (c) require performance bonds
 - (d) create receiverships
 - (e) appoint conservators, appraisers, accounts or trustees
 - (f) Orders to take any action to seize, secure, maintain or preserve property subject to forfeiture
 - (i) including seizure warrants
 - (ii) Orders may be prior or subsequent to the NOPF, complaint, indictment or information.
 - (2) Claimant may request a probable cause hearing within 15 days of Notice of Seizure or actual knowledge of seizure. 13-4310(B)
 - (3) Court may order seized property to be sold, leased rented or operated to preserve the interest of any party. 13-4310(G)
 - (a) Court may also order the sale of any property which may perish, waste, be

foreclosed or otherwise lose value 13-4310(G)

(b) A claimant may apply for monetary damages suffered as a result of disposal, but not incidental or consequential damages. 13-4310(H)

(i) no liability if damages could have been avoided if claimant made full and immediate disclosure of facts or evidence know or available to claimant 13-4310(H)(1)

(ii) no liability in excess of FMV of property at time of seizure 13-4310(H)(2)

(4) No claimant may maintain any action against the state concerning alleged interest other than provided in Title 13, Chapter 39. 13-4310(J).

iii) Judicial in rem forfeitures

(1) Arizona rules of civil procedure apply unless a different procedure if provided by law. 13-4311(B)

(2) In rem action may be brought in addition to or in lieu of civil and criminal in personam forfeiture actions or uncontested forfeiture. 13-4311(B)

(3) Hearings are held by court without a jury. 13-4311(D)

(4) Claims

(a) May be brought by Owners, Interest Holders and "persons know to have an interest" as defined 13-4301(4, 5 and 6)

(b) Must be filed with the court within 30 days of notice of pending forfeiture 13-4311(D)

(i) No extension of time for filing of a claim may be granted 13-4311(F)

(c) Must be signed by claimant under penalty of perjury and contain all of the following. 13-4311(E)

(i) Caption and name of claimant. 13-4311(E)(1)

(ii) Address which claimant will accept future mailings. (13-4311(E)(2)

1. This address can be used for service of complaint pursuant to 13-4307.

(iii) Nature and extent of claimant's interest in the property. 13-4311(E)(3)

(iv) Date, identity of transferor, and circumstances of claimant's acquisition of property. 13-4311(E)(4)

(v) Specific provisions of Title 13, Chapter 39 relied upon in asserting property is not subject to forfeiture 13-4311(E)(5)

1. This typically means exemptions under 13-4304.

(vi) All facts supporting such assertion that property is not subject to forfeiture. 13-4311(E)(6)

(vii) Additional facts supporting claimant's claim. 13-4311(E)(7).

(viii) Precise relief sought. 13-4311(E)(8)

(d) Copies of the claim must be sent to seizing agency and to attorney for state.

(e) State may move to strike a defective claim. 13-4311(G) (recognizes that a claim may be stricken)

(5) Complaint

(a) must be verified 13-4311(A)

(b) Service of complaint. 13-4311(A)

(i) In manner provided by 13-4307 (Notice of Pending Forfeiture) **or**

(ii) Arizona Rules of Civil Procedure

(c) Upon filing, Clerk of court shall provide NOPF unless file indicates NOPF already made. 13-4311(C)

- (d) Must be filed within 60 days after Notice of Pending Forfeiture 13-4308(B)
 - (i) If uncontested forfeiture has been made
 - 1. with 60 days after declaration of forfeiture 13-4308(B)
- (e) Failure to timely file
 - (i) State shall release property at request of owner 13-4308(B)
 - 1. Release is "pending further proceedings"
 - a. Which shall be commenced within seven years after discover of last act giving rise to forfeiture 13-4308(B)
- (f) Interrogatories and Requests for admission may be served with complaint. 13-4311(G)
- (g) **Answer to Complaint**
 - (i) Must be filed within 20 days after service. 13-4311(G)
 - (ii) Must meet claim requirements of 13-4311(E). 13-4311(G)
 - (iii) Must be signed under penalty of perjury. 13-4311(G)
 - (iv) If no answer is filed
 - 1. State shall proceed as provided in 13-4314 and 13-4315
 - a. Ten days notice shall be given to any claimant who's claim has not been stricken. 13-4311(G)
- (6) **Hearing**
 - (a) Procedure
 - (i) shall be held 60 days after parties have completed Rule 26.1 disclosures. 13-4311(K)
 - (ii) State and Claimant may present evidence and witnesses and cross-examine witnesses. 13-4311(L)
 - (iii) Claimant has burden, by a preponderance of evidence to establish ownership or interest. 13-4311(M)
 - 1. If not previously proven, Claimant must present this evidence first. 13-4310(D)
 - (iv) State has burden, by a preponderance of the evidence, that property is subject to forfeiture. 13-4311(M)
 - (v) Claimant has burden of establishing by a preponderance of evidence that claimant's interest is exempt under 13-4304. 13-4311(M)
 - (b) Court findings
 - (i) Court shall order property returned to a claimant who has:
 - 1. Established by a preponderance of the evidence that his is the owner or interest holder and either of the following: 13-4311(N)(1)
 - a. The State has failed to establish by a preponderance of the evidence that the interest is subject to forfeiture under 13-4304. 13-4311(N)(1)(a)
 - b. Established by a preponderance of the evidence that interest is exempt under 13-4304. 13-4311(N)(1)(b)
 - (ii) Court shall order all other property forfeited and shall proceed pursuant to 13-4314 (Disposition) and 13-4315 (Allocation). 13-4311(N)(2)
 - (iii) Court shall determine amount of economic loss to injured persons and shall require the following. 13-4311(N)(3)
 - 1. If property is not contraband or altered or designed for forfeiture

activity it shall be sold with proceeds applied to loss.

13-4311(N)(3)(a)

2. If proceeds won't cover all injured parties' losses, the state shall distribute via method determined by court. 13-411(N)(3)(b)
3. 10 percent of any left over proceeds go to ACJC victim compensation fund. 13-4311(N)(3)(c).
4. Remainder goes in anti-racketeering revolving fund. 13-4311(N)(3)(d).

iv) Judicial in rem racketeering forfeitures

(1) Judicial in rem racketeering action may be filed. 13-2314(G)

(a) must protect rights of injured persons.

(b) can seek forfeiture of:

(i) any property or interest acquired or maintained in violation of 13-2312.

13-2314(G)(1)

(ii) property affording a source of influence over enterprise or acquired or maintained in violation of 13-2312. 13-2314(G)(2).

(iii) all proceeds traceable to a racketeering offense included in 13-2301(D)(4) or used or intended to be used in any manner to facilitate offense.

13-2314(G)(3)

d) In Personam Jurisdiction

i) In personam judicial forfeitures. 13-2314

(1) In personam civil or criminal forfeitures authorized. 13-2314(A)

(a) **Criminal in personam racketeering forfeitures.** 13-2313 (Judicial powers over racketeering criminal cases)

(i) During pendency of criminal racketeering (13-2301(D)(4)) or Illegal enterprise 13-2313 case the court may:

1. issue orders to prevent, restrain and remedy racketeering. 13-2314(B)

a. after making provisions for rights of injured persons.

2. Prior to a determination of liability, issue orders for: 13-2314(C)

a. seizure warrants

b. finding PC for in personam or in rem forfeiture

c. restraining orders, prohibitions or accepting performance bonds

d. creating receiverships and enforcing constructive trusts

e. other remedies and restraints as court sees proper.

(ii) After conviction for racketeering offense (13-2301(D)(4)) or illegal control of an enterprise 13-2312

1. Court may issue an order pursuant to section 13-2314 (racketeering-civil remedies)

(b) Civil in personam racketeering forfeitures, 13-2314

(i) Attorney general or county attorney may file an action in superior court... 13-2314(A)

1. on behalf of a person who sustains injury to his person, business or property

a. by racketeering acts in 13-2301(D)(4) or

b. by a violation of 13-2312.

c. State may recover treble damages and cost of suit, including

- reasonable attorney's fees.
- d.** State may seek to prevent, restrain or remedy racketeering under 13-2314(D)(4) or 13-2312.
- e.** A prevailing defendant may be awarded costs and reasonable attorney fees.
 - i.** payment is to be paid from monies in racketeering revolving funds.
- (ii)** Upon a determination of liability, Court may... 13-2314(D)
 - 1.** Order a person to divest himself of any interest, direct or indirect, in any enterprise. 13-2314(D)(1)
 - 2.** Impose restrictions on future activities or investments of any person or future engagement of enterprise activity. 13-2314(D)(2)
 - 3.** Order dissolution or reorganization of any enterprise. 13-2314(D)(3)
 - 4.** Order payment of treble damages to injured persons. 13-2314(D)(4)
 - 5.** Order payment of costs and expenses of prosecution including investigative costs and attorney's fees. 13-2314(D)(5)
 - 6.** Order in personam forfeiture pursuant to Title 13, Chapter 39 of... 13-2314(D)(6)
 - a.** any property or interest maintained in violation of 13-2312. 13-2314(D)(6)(a)
 - b.** any interest, security, claim, office, title, license or contractual right affording influence over any enterprise. 13-2314(D)(6)(b)
 - i.** other property acquired or maintained or interest in or control of in violation of 13-2312. 13-2314(D)(6)(b)
 - c.** all proceeds traceable to a racketeering offense under 13-2301(D)(4) or used or intended to be use to facilitate offense. 13-2314(D)(6)(c)
 - i.** person must have owned or controlled facilitating property.
 - d.** Any other property up to the value of subject property described in a, b, or c above. 13-2314(D)(6)(d).
 - 7.** Payment to the general fund of amount equal to gain acquired or maintained through violation of 13-2301(D)(4) or 13-2312.
 - a.** Gain means gross profit, not net profit. 13-2314(N)(2)
- (iii)** A person liable for in personam racketeering conduct is liable for total value of forfeitable property. 13-2314(E)
 - 1.** court shall enter order against person less value of property interests forfeited before judgment.
- (iv)** Person or enterprise acquiring property through racketeering holds it in involuntary trust for benefit of state and injured persons. 13-2314(F)
- (v)** Statute of limitations is 7 years from actual discovery of violation. 13-2314(I)
- (vi)** State may certify action is of special public importance requiring expedited action by court. 13-2314(K)
- (vii)** Racketeering actions are remedial and not punitive (double jeopardy defense). 13-2314(L)
- (2)** State shall allege with reasonable particularity the property the state seeks to forfeit.

- 13-4312(B)
- (a) Court shall allow new, different or differently describe property to be alleged up to 20 days before case is to be tried. 13-4312(B)
 - (i) unless defendant can establish prejudice by untimely filing.
 - (ii) State must provide material information concerning allegations
 - (3) Court may authorize any order authorized by 13-4310 (Judicial forfeitures) or any order to seize secure and maintain property including a seizure warrant. 13-4312(C)
 - (4) Temporary restraining orders authorized without notice if state demonstrates both: 13-4312(D)
 - (a) probable cause property is subject to forfeiture. 13-4312(D)(1)
 - (b) Notice will jeopardize availability of property. 13-4312(D)(2)
 - (c) TRO expires 10 days after issuance. 13-4312(D)(2)
 - (i) Unless defendant consents to extension
 - (ii) Unless court grants a longer period after a hearing.
 - (iii) Unless court is considering a preliminary injunction
 - (d) Notice of TRO and opportunity for hearing afforded to defendant. 13-4312(E)
 - (i) Hearing is limited to two issues:
 - 1. Whether there is a probability state will prevail on issue of forfeiture and whether property will be devalued or unavailable without TRO. 13-4312(E)(1)
 - 2. Need to preserve property outweighs hardship to owner. 13-4213(E)(2)
 - (ii) Hearing shall be held at earliest possible time and prior to expiration of TRO. 13-4312(F).
 - (5) On determination of liability or conviction for forfeiture conduct the court: 12-4312(G)
 - (a) Shall enter a judgment of forfeiture of property.
 - (b) Shall authorize state's attorney or LEO to seize any forfeited property not previously seized.
 - (c) May enter orders to protect interest of state in forfeited property.
 - (6) Effect of Order
 - (a) Filing in appropriate public records perfects the interest of the state. 13-4312(G)
 - (i) State's interest relates back to earlier date of act or omission, NOS or NOPF.
 - (b) Any income from seized property belongs to the state. 13-4312(G)
 - (7) Procedures subsequent to verdict or finding of liability. 13-4312(H)
 - (a) NOPF given by clerk/state to all owners and interest holders who have not previously been given notice. 13-4312(H)(1)
 - (b) Claims may be filed within 30 days. 13-4312(H)(2)
 - (c) Hearing on claims shall be held within 60 days after order of forfeiture. 13-4312(H)(3)
 - (d) The hearing shall be held by the court without a jury. 13-4312(H)(4)
 - (i) conducted in the manner provided for in rem judicial forfeiture actions.
 - (ii) Court shall consider relevant portions of record in underlying civil or criminal forfeiture

- (e) Court may amend order of forfeiture if it find claimant has established:
 - 13-4312(H)(5)
 - (i) State failed to establish property is subject to forfeiture
 - (ii) Claimant has established an exemption.
 - (8) To facilitate the identification or location of forfeited property, the court may issue subpoena duces tecum for deposition of witnesses. 13-4312(H).
 - (a) Depositions are taken like those under rules of civil procedure.
 - (9) Supplemental Remedies 13-4313**
 - (a) Substitute assets. 13-4313(A)**
 - (i) Court shall order forfeiture of
 - 1. any other property of a claimant or in personam defendant
 - 2. up to the value of property court finds subject to forfeiture
 - a. if any of the following circumstances apply:
 - i. it cannot be located. 13-4313(A)(1)
 - ii. It has been transferred, conveyed, sold or deposited to/with a third party. 13-4313(A)(2)
 - iii. It has been placed beyond the jurisdiction of the court. 13-4313(A)(3)
 - iv. It has been substantially diminished in value by any act or omission of the defendant. 13-4313(A)(4)
 - v. It has been commingled with other property and cannot be divided without difficulty. 13-4313(A)(5)
 - vi. It is subject to any interest that is exempt from forfeiture. 13-4313(6)
 - (ii) If property is conveyed, alienated, encumbered, disposed or, received, removed from jurisdiction of court, concealed, etc.: 13-4313(B)
 - 1. After filing of:
 - a. racketeering lien
 - b. notice of pending forfeiture, or
 - c. notice of a civil or criminal proceeding
 - d. whichever is earlier
 - 2. State may institute an action in superior court against
 - a. person named in racketeering lien, NOPF, or civil or criminal proceeding
 - b. Action is in amount equal to FMV of property
 - i. plus investigative fees and attorney fees.
 - c. Action may only be filed where a pending civil proceeding, if any, is pending.
 - (b) Supplemental remedies do not limit state's rights re: injunctions, receiverships, attachment, garnishment, uniform fraudulent transfers, etc. 13-4313(C)
- e) Enterprise Jurisdiction**
 - i) Illegal control of or conducting an enterprise. 13-2312
 - (1) A person commits illegal control of an enterprise if: 13-2312(A)
 - (a) through racketeering or its proceeds
 - (i) acquires, maintains, by investment or otherwise, control of any enterprise.
 - (2) A person commits Illegal conducting an enterprise if: 13-2312(B)

- (a) a person is employee by or associated with any enterprise and conducts enterprise's affairs through racketeering or
- (b) participates directly or indirectly in the conduct of an enterprise the person knows is being conducted through racketeering.

5) Racketeering Lien

- a) State may file a racketeering lien. 13-2314.02(A)
 - i) Upon filing a civil forfeiture under 13-2314
 - ii) Upon seizure under Title 13, Chapter 39 or
 - iii) upon charging a racketeering offense under 13-2301(D)(4)
 - iv) upon charging a violation of section 13-2312 (illegal enterprise)
- b) Lien shall set forth: 13-2314.02(B)
 - i) Name of defendant (including aliases) and entities owned or controlled by defendant. 13-2314.02(B)(1-2)
 - ii) Defendant's address and date of birth. 13-2314.02(B)(3)
 - iii) Caption, court, cause number for action. 13-2314.02(B)(4)
 - iv) Contact info for attorney for state. 13-2314.02(B)(5)
 - v) Statement that lien is filed pursuant to 13-2314.02. 13-2314.02(6)
 - vi) Amount of lien and description of property interest. 13-2314.02(7)
 - vii) If know, a description of property available to satisfy a judgment. 13-2314.02(8)
- c) Lien can be amended at any time. 13-2314.02(C)
- d) Release of lien shall be filed within 20 days of dismissal of underlying action. 13-2314.02(D)
- e) Notice of filing of lien shall be given to defendant as soon as practical. 13-2314.02(D)
- f) Hearing on lien may be requested. 13-2314.02(E)
 - i) Hearing shall be at least five, but no more than 10 days from date of request. 13-2314.02(F)
 - (1) State may demand discovery and Rule 26.1 disclosure from person requesting hearing. 13-2314.02(F)
 - ii) If court finds no PC for lien or that property is not subject to attachment or encumbrance it shall: 13-2314.02(G)
 - (1) enter an order extinguishing lien or
 - (2) releasing property interest
 - (3) or enter order adequately protecting interest
 - (4) Upon finding of no PC and lawsuit is not well grounded in fact
 - (a) court shall award reasonable attorney fees to be paid from anti-racketeering revolving fund. 13-2314.02(G)
- g) Filing of racketeering lien. 13-2314.02(H)
 - i) To perfect interest in:
 - (1) personal property - file with secretary of state
 - (2) vehicles - MVD
 - (3) real property - county recorder
- h) Lien is superior and prior to any other interest except exempt interests under title 13, Chapter 39.
 - i) Lien is not superior to a community property interest acquired prior to filing of lien by innocent spouse. 13-2314.02(J)(4).
- i) Execution on lien. 13-2312.02(K)

- i) Upon entry of judgment, state may execute after 30 days notice. 13-2312.02(K)(1).
- 6) Discovery**
 - a) Court may stay discovery if claimant indicted for same conduct giving rise to forfeiture until criminal trial completed. 13-4310(I)
 - i) Before stay, Court shall make orders to prevent loss, expense or depreciation. 13-4310(I)
 - b) State may serve discovery at any time from date of filing of complaint to 30 days prior to hearing. 13-4311(H)
 - c) Claimant may serve discovery at any time after filing and answer to 30 days prior to hearing 13-4311(H)
 - i) Responses are due within 20 days. 13-4311(H) Note: this period is shorter than discovery under the rules of civil procedure.
 - d) Depositions may be taken at any time after 15 days of filing the complaint. 13-4311(H)
 - e) Rule 26.1 disclosures required. 13-4311(K)
 - f) After an in personam forfeiture is entered, court may issue subpoena duces tecum to facilitate identification and location of property. 13-4312(I)
 - g) Racketeering lien under 13-2314.02--state may request discovery and Rule 26.1 disclosure from person requesting hearing on lien. 13-2314.02(F)
 - h) Financial Institutions--production of records
 - i) Upon request and at not cost to state, a financial institution shall produce for inspection or copying, records in its custody. 13-2315(A)
 - (1) Only Attorney General or a county attorney authorized by the AG may make such a request. 13-2315(A), 13-2315(C)
 - (2) Request may only be made to investigate racketeering or criminal enterprise. 13-2315(A)
- 7) Motion Work**
 - a) Summary Judgment
 - i) May be filed any time after a responsive pleading is served and not less than 30 days before hearing. 13-4311(H)
 - b) Offers of judgment. State may make at any time more than 10 days before hearing begins. 13--4311(H)
- 8) Hearings**
 - a) In rem hearings are held by the court without a jury. 13-4311(D).
 - b) **Burdens**
 - i) **Preponderance of the evidence**
 - (1) Rebuttable presumption if the state establishes all of the following: 13-4305(E)
 - (a) Conduct giving rise to forfeiture occurred
 - (b) Person acquired property during the period of forfeiture activity or a reasonable time afterward
 - (c) No likely source for the property other than conduct giving rise to forfeiture.
 - (2) Civil laws of evidence apply 13-4310(E)(1)
 - (3) See also 13-4311(N)(1) (preponderance of evidence used to establish ownership in racketeering forfeiture)
 - (4) Burden of proof in racketeering cases under 13-2314 is the preponderance of the evidence test. 13-2314(K).
 - ii) **Probable cause for seizure**

- (1) Rebuttable presumption 13-4305(E) (see preponderance above)
- (2) Evidence and information that would be permissible at a PC hearing pursuant to 13-13913 is allowed.
- iii) Presumptions
 - (1) Money in proximity to contraband or instrumentalities of offense can be inferred to be proceeds or used to facilitate offense.
- c) **Evidence**
 - i) Defendant convicted in criminal proceeding by verdict or plea is precluded from denying essential allegations of criminal offense 13-4310(C) and 13-2314(H)
 - ii) Preponderance of the evidence
 - (1) Law of evidence relating to civil actions applies to issues required to be established by a preponderance of the evidence. 13-4310(E)(1).
 - iii) Probable Cause or reasonable cause
 - (1) All evidence and information that would be permissible in determining PC at a preliminary hearing pursuant to 13-3913 together with inference from the evidence and information. 13-4310(E)(2)
 - iv) No evidence may be suppressed for search and seizure violations applicable in criminal cases. 13-4310(E)(3).

9) Injured Persons

- a) Defined in 13-4301(4)
 - i) Person who has sustained economic or medical loss as a result of injury to his person, business or property by forfeiture conduct.
 - ii) Injured person is not an owner or interest holder
 - iii) Injured person is not
 - (1) a person responsible for forfeiture conduct
 - (2) a person who would not be exempt from forfeiture if they were an owner or interest holder.
- b) May submit request for compensation from forfeited property any time prior to: 13-4311(I)
 - i) final judgment
 - ii) application for order of forfeiture
 - iii) 30 days prior to hearing
 - iv) Request shall be signed under penalty of perjury and set forth:
 - (1) caption and name of requestor. 13-4311(I)(1)
 - (2) Address for future mailings. 13-4311(I)(2)
 - (3) forfeiture property from which requestor seeks compensation. 13-4311(I)(3)
 - (4) nature of economic loss sustained by requestor. 13-4311(I)(4)
 - (5) All facts supporting the request. 13-4311(I)(5)
 - (6) any additional facts. 13-4311(I)(6)
 - (7) The amount of economic loss for which the requestor seeks compensation. 13-4311(I)(7)
 - v) Court shall hold a hearing on the factual basis for a timely, properly filed request. 13-4311(J)
 - (1) Requestor has burden, by a preponderance, to prove he is an injured person who sustained economic loss.
- c) State may bring a racketeering action on behalf of an injured person. 13-2314(A)

- i) Court may order treble damages to injured persons. 13-2314(D)(4).
 - (1) The State may be an injured person. 13-2318
 - (a) injury to the state includes:
 - (i) Expenditure of public monies, including expenses of law enforcement and prosecutors. 13-2318(1)
 - (ii) Amount of money or the value of other property exchanged or foreseeably exchanged for drugs or marijuana or money laundering violations. 13-2318(2)
 - 1. Exchange of prohibited chemicals or substance for gain is foreseeable consequence of manufacture, production, transportation or sale. 13-2318(2)
 - (iii) Acquisition or gain of proceeds of any racketeering offense under 13-2301(D)(4). 13-2318(3)

10) Disposition

- a) If no claims or petitions for remission or mitigation are timely filed state shall apply for order of forfeiture and allocation of property. 13-4314(A)
 - i) If the application shows the following, court shall order the property forfeited to state: 13-4314(A)
 - (1) jurisdiction
 - (2) notice
 - (3) facts sufficient to demonstrate probable cause for forfeiture.
 - (a) If case is brought pursuant to 13-3413(A)(1 or 3) (drugs) 13-4314(A)
 - (i) must show probable caused that conduct involved:
 - 1. an amount of unlawful substance greater than statutory threshold amount as defined in 13-3401 **or**
 - 2. was committed for financial gain
- b) After Court disposes of all timely filed claims: 13-4314(B)
 - i) State has clear title to property which vests at time of commission of act or omission giving rise to forfeiture.
- c) If state stipulates with interest holder, property may be released to interest holder if the following are true: 13-4314(C)
 - i) Interest was acquired in regular course of business as a financial institution as defined by 13-2301(D)(3). 13-4314(C)(1)
 - ii) Amount of interest holders encumbrance is readily determinable and reasonably established by proof. 13-4314(C)(2)
 - iii) Encumbrance held by interest holder is only exempt interest and all rights of owner forfeited to state. 13-4314(C)(3)
 - iv) Interest holder shall dispose of property in a commercially reasonable public sale 13-4314(C)(4).
 - (1) w/in 10 days interest holder shall tender to state excess proceeds of sale. 13-4314(C)(4)
- d) Upon order of forfeiture, state may transfer good and sufficient title which shall be recognized by all AZ courts, departments and agencies. 13-4314(D)
- e) Upon judgment for claimants, property shall immediately be returned. 13-4314(E)
 - i) If it appears there was reasonable cause for seizure for forfeiture, NOPF, complaint, information or indictment court shall enter such a finding. 13-4314(E)

- (1) in such a case:
 - (a) a claimant is not entitled to costs or damages; 1-4314(E)
 - (b) person or seizing agency that made seizure is not liable to suit or judgment on account of such seizure, suit or prosecution. 13-4314(E)
 - f) Court shall order a claimant who fails to establish his entire interest is exempt shall pay: 13-4314(F)
 - i) Costs of any claimant who establishes his interest is exempt; and 13-4314(F)
 - ii) State's cost and expenses of investigation and prosecution of matter including reasonable attorney fees. 13-4314(F)
 - g) Effect of judgment
 - i) Property interests and their proceeds declared forfeited vest in the state back to the date of commission of forfeiture act or omission. 13-4310(F), 13-4312(G)
 - ii) Filing an in personam judgment in appropriate public record perfects the interest of the state. 13-4312(G)
 - h) Authorized users
 - i) Allocation of Property
- 11) Judicial Allocation of Forfeited Property Upon Judgment of Forfeiture**
- a) At request of attorney for state, forfeited property shall be transferred to the seizing agency or to agency or political subdivision employing attorney for State which may do any of the following: 13-4315(A)
 - i) Property may be sold, leased, loaned or transferred to any... 13-4315(A)(1)
 - (1) State or local agency, political subdivision, law enforcement agency or prosecutorial agency
 - (2) Federal law enforcement agency operating in Arizona.
 - (3) expense for keeping and transferring property are to be paid by recipient
 - (4) Property cannot be allocated for official use if FMV of property exceeds probable cost of purchasing property equally suited for task. 13-4315(A)(1)
 - (5) Property cannot be assigned for use by any person who supervised or exercised discretion in forfeiture. 13-4315(A)(1)
 - (a) unless approved in writing by the head of the agency.
 - ii) Sell property with net proceeds paid to anti-racketeering fund. 13-4315(A)(2)
 - (1) Sale may not be made to: 13-4315(A)(2)
 - (a) employee of seizing agency
 - (b) any person who participated in the forfeiture
 - (c) any employee of selling contractor
 - (d) any immediate family member of above.
 - iii) Illegal or controlled contraband may be destroyed or used for investigative purposes. 13-4315(A)(3)
 - (1) May be done 20 days after seizure upon written approval of attorney for state, preserving only what is necessary for evidence.
 - iv) Compromise and pay claims against forfeited property. 13-4315(A)(5)
 - v) Make any other disposition of forfeited property authorized by law for disposition of political jurisdiction or government entity or agency. 13-4315(A)(6)
 - b) Notwithstanding law to the contrary:
 - i) Investigative moneys shall be remitted to investigative fund. 13-4315(B)(1)
 - ii) Investigative costs may reimbursed upon a showing of costs or expenses incurred in

connection with investigation. 13-4315(B)(2)
iii) Excess moneys after above shall be deposited in anti-racketeering fund.
13-4315(B)(2)

iv) Vehicles shall be forfeited to agency seizing vehicle. 13-4315(B)(2)

- c) Copies of every forfeiture judgment/order of forfeiture shall be submitted ACJC by attorney for state w/in 60 days after finality. 13-4315(D).

12) Attorney's Fees & Costs

- a) Court shall order a claimant who fails to establish his entire interest is exempt shall pay:
13-4314(F)

i) Costs of any claimant who establishes his interest is exempt; and 13-4314(F)

ii) State's cost and expenses of investigation and prosecution of matter including reasonable attorney fees. 13-4314(F)

- b) If it appears there was reasonable cause for seizure for forfeiture, NOPF, complaint, information or indictment court shall enter such a finding. 13-4314(E)

i) in such a case:

(1) a claimant is not entitled to costs or damages; 13-4314(E)

(2) person or seizing agency that made seizure is not liable to suit or judgment on account of such seizure, suit or prosecution. 13-4314(E)

ii) A prevailing defendant in a racketeering action brought pursuant to 13-2314(A) may be awarded costs and reasonable attorney fees. 13-2314(A)

(1) payment is to be made from racketeering revolving fund.

- c) Upon finding of no PC for racketeering lien and that underlying lawsuit is not well grounded in fact

i) court shall award reasonable attorney fees to be paid from anti-racketeering revolving fund. 13-2314.02(G)

13) Anti-Racketeering Revolving Funds

- a) Attorney General's fund governed by 13-2314.01

i) Administered by Attorney General. 13-2314.01(A)

ii) Recovered costs, investigative costs, attorney's fees from forfeiture go into fund.
13-2314.01(B)

iii) Forfeited funds and monies received from other federal. state and local agencies go into fund. 13-2314.01(C and D)

iv) Fund shall accrue interest. 13-2314.01(D)

v) Monies in fund are held for benefit of agencies responsible for seizure to extent of their contribution. 13-2314.01(D)

(1) Monies and interest to be distributed to agencies responsible for seizure within 30 days of application. 13-2314(D)

vi) Reporting requirements 13-2314.01(F-H).

- b) County attorney's fund governed by 13-2314.03

i) Administered by county attorney. 13-2314.03(A)

ii) Recovered costs, investigative costs, attorney's fees from forfeiture go into fund.
13-2314.03(B)

iii) Forfeited funds and monies received from other federal. state and local agencies go into fund. 13-2314.03(C and D)

iv) Fund shall accrue interest. 13-2314.03(D)

v) Monies in fund are held for benefit of agencies responsible for seizure to extent of their

contribution. 13-2314.03(D)

(1) Monies and interest to be distributed to agencies responsible for seizure within 30 days of application. 13-2314(D)

c) Monies may be used for, in addition to other lawful use:

- i)** Payment of forfeiture expenses including expenses for seizure, detention, appraisal, protection, preservation, etc. 13-4315(C)(1)
- ii)** Awards for information or assistance leading to a civil or criminal proceeding under ARS Title 13. 13-4315(C)(2)
- iii)** Compensation to injured persons. 13-4315(C)(3)
- iv)** Gang prevention programs. 13-2314.01(E)(1), 13-2314.03(E)
- v)** Substance abuse prevention and education programs. 13-2314.01(E)(1), 13-2314.03(E)
- vi)** witness protection pursuant to 11-536. 13-2314.01(E)(1), 13-2314.03(E)
- vii)** Investigation, prosecution or civil enforcement of any racketeering offense under 13-2301(D)(4) or criminal enterprise under 13-2312. 13-2314.01(E)(1), 13-2314.03(E)
- viii)** Relocation expenses of any law enforcement officer and immediate family if LEO is victim of a bona fide threat occurring because of LEO duties. 13-2314.01(E)(3)
- ix)** Monies in AG's fund used by AG for capital improvements in excess of \$1 million are subject to review by joint committee on capital review. 13-2314.01(D)
- x)** any purpose permitted by federal law relating to forfeited money distributed to agencies. 13-2314.01(E), 13-2314.03(E)

(1) Federal spending authority is outlined in two sources:

- (a)** A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies. (April 2009)
 - (i)** A pdf copy can be located by searching in www.usdoj.gov
- (b)** U.S. Treasury's Guide to Equitable Sharing for Foreign Countries and Federal, State and Local Law Enforcement Agencies (April 2004)
 - (i)** A pdf copy can be located by searching in www.treas.gov

(2) Impermissible federal uses

- (a)** Supplanting regularly budgeted law enforcement items.
- (b)** Payment of salaries for existing positions where payment constitutes a supplantation of appropriated funds.
 - (i)** some exceptions apply
- (c)** Use of law enforcement property, funds, or pro-rata property /funds by non-law enforcement entities or personnel
- (d)** Payment of non-law enforcement expenses
- (e)** Uses contrary to state or local jurisdiction
- (f)** Purchase of food and beverages
 - (i)** per diem/conference exceptions
- (g)** Uses that create appearance that funds are being used for political, personal or non-official purposes
- (h)** Extravagant expenditures

(3) Permissible federal uses

- (a)** Investigative and operational costs and costs to enhance future investigations
- (b)** Law enforcement training
- (c)** Law enforcement equipment and operations

- (d) Law enforcement travel and transportation
 - (i) must not create appearance of extravagance.
- (e) Detention facilities of the law enforcement agency
- (f) Law enforcement agency facilities
- (g) Law enforcement agency-conducted drug education and awareness programs
- (h) Pro-rata funding of law enforcement agency's share of government or task force items or facilities
- (i) Asset accounting and tracking
- (j) Costs associated with drug abuse treatment
- (k) Costs associated with drug and crime prevention education
- (l) Drug and gang education and awareness programs
- (m) language assistance services
- (n) Costs associated with house and job skills programs
- (o) Award and memorials for law enforcement personnel. Award may not be cash or create the appearance of extravagance or impropriety
- (p) Payment of law enforcement agency's matching contribution or share in a federal grant program for law enforcement purposes
- (q) Weed and seed initiatives
- (r) Not more than 15% of funds may be used for costs associated with non-law enforcement, non-profit community-based programs or activities.
 - (i) Programs and activities must be consistent with law enforcement effort
 - (ii) Expenditures cannot involve a transfer of cash
 - (iii) Other restrictions apply.
- xi) Reporting of all forfeitures including expenditures to ACJC required. 13-2314.03 (F-H)
 - (1) No expenditures may be made if required reporting is not completed. 13-2314.03(F-G)

14) Appeal

- a) Copy of any forfeiture appeal must be served on the attorney general. 13-2314(M)

15) Definitions

- a) Racketeering definitions 13-2301
 - i) "Acquire," "Gain," "Proceeds" 13-2314(N)
 - ii) "injury to the state" 13-2318
- b) Forfeiture definitions 13-4301
 - i) Attorney for the state
 - ii) Commercially reasonable
 - iii) Injured person
 - iv) Interest holder
 - v) Owner
 - vi) Person known to have an interest
 - vii) Personal property
 - viii) Seizing agency
 - ix) Seizure for forfeiture.